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January 19, 2022

Via ECF

The Honorable Cathy L. Waldor
Martin Luther King Jr. Courthouse
50 Walnut Street
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Newark, NJ 07101
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RE: Sun Chemical Corporation v. American International Group, Inc., et al.
Docket No.: 2:20-cv-6252-SRC-CLW
MDMC File No.: A0014-1743

Dear Judge Waldor:

This firm represents Defendants American Home Assurance Company, improperly pleaded as American Home Insurance, and National Union Fire Insurance Company of Pittsburgh, Pa. (in its own right and as successor-in-interest to Landmark Insurance Company) (collectively, “Defendants”) in the above-captioned matter. This matter is scheduled for a telephonic status conference on January 20 before Your Honor. We write to you jointly on behalf of Defendants and Plaintiff, Sun Chemical Corporation (“Sun Chemical”), to advise that the parties have met-and-conferred and jointly request a six-month adjournment/extension of the discovery and pretrial deadlines set forth in the Second Amended Pretrial Scheduling Order.

As Your Honor may recall, on October 7, 2021, the Court held a telephonic status conference in the above-captioned action, during which counsel apprised Your Honor of their intention to exchange initial document productions and to continue to engage in meet-and-confers to resolve various written discovery disputes, including, but not limited to, an agreement as to search terms and custodians for purposes of electronically stored documents. During the conference, counsel and Your Honor discussed amendments and extensions to the deadlines set forth in the First Amended Pretrial Scheduling Order. Consistent with those discussions, the Court entered a Second Amended Pretrial Scheduling Order.

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The parties wish to advise the Court that, on November 9, 2021, they exchanged their initial document productions, which consisted of voluminous documents produced by both Plaintiff and Defendants, as well as the Defendants' Privilege Log. The parties have also participated in meet-and-confers to resolve issues surrounding search terms and custodians. While the parties anticipated additional meet-and-confers on search terms, custodians and other written discovery disputes, the undersigned unfortunately contracted COVID shortly after Thanksgiving and was ill for most of December. We are pleased to report that efforts to schedule and engage in meet-and-confers have resumed, and the parties have been diligently reviewing the voluminous document productions served by each side. The parties agree that the focus of upcoming meet-and-confers will be on search terms and custodians, as well as other written discovery disputes, in order to complete the written discovery phase of this environmental coverage action. However, given the "COVID delay" discussed above and the volume of documents produced to date, the parties have agreed to jointly request modifications to the deadlines set forth in the Second Amended Pretrial Scheduling Order. In particular, the parties respectfully request that the following dates be modified as set forth below:

Paragraph 1: Fact Discovery Deadline: Currently May 2, 2022 to November 2, 2022

Paragraph 2: Motion to Add New Parties: Currently February 15, 2022 to August 15, 2022

Paragraph 3: Motion to Amend Pleadings: Currently February 15, 2022 to August 15, 2022

The parties also respectfully request that the discovery deadlines for expert reports and depositions similarly be extended by six months. More specifically, the parties respectfully request that the following dates be modified as set forth below:

Paragraph 11: Expert Reports.

- a) Plaintiff's expert reports shall be served no later than: Currently June 1, 2022 to December 1, 2022
- b) Defendants' expert reports, including responsive expert reports, shall be served no later than: Currently August 2, 2022 to February 2, 2023
- c) Plaintiffs' responsive and rebuttal expert reports shall be served no later than: Currently October 3, 2022 to April 3, 2023
- d) Defendants' rebuttal expert reports shall be served no later than: Currently November 1, 2022, to May 1, 2023

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- e) Expert depositions shall be completed no later than: Currently December 15, 2022 to June 15, 2023.

A proposed Third Amended Pretrial Scheduling Order is attached for Your Honor's consideration.

We and counsel for Plaintiff intend to work diligently to comply with these revised deadlines. The parties wish to note that the extensions requested are based on developments to date, and that additional document productions and resolution of discovery disputes may impact the parties' ability to complete discovery within the timeframes set forth in the proposed Third Amended Pretrial Scheduling Order. Should any future developments necessitate a request by the parties for additional extensions, the parties will bring those developments to the Court's attention.

Counsel will be prepared to discuss the status of the case and the details surrounding the parties' joint request as outlined in this letter and proposed Third Amended Pretrial Scheduling Order during the January 20 case management conference.

Respectfully submitted,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

/s/ Kevin MacGillivray
KEVIN MACGILLIVRAY

cc: All Counsel of Record (via ECF Notification and e-mail)